

BAXTER CITY COUNCIL AGENDA

Tuesday, September 2, 2014

The regular meeting of the Baxter City Council will be held on Tuesday, September 2, 2014 at 7:00 p.m. at the Baxter City Hall, 13190 Memorywood Dr., Baxter, MN.

1. Call Meeting to Order

2. Roll Call

3. Pledge of Allegiance

4. Public Comments

Comments received from the public may be placed on a future meeting agenda for consideration.

5. Consent Agenda

The following items are considered non-controversial by staff and are recommended to be read and passed in one motion. Any council person, staff, citizen, or meeting attendee can request one or more items be pulled from the Consent Agenda and the item will be pulled and addressed immediately after the passage of the Consent Agenda; otherwise, the following items will be passed in one motion:

- A. Approve City Council Minutes from August 19, 2014 (pp. 3 – 4).
- B. Approve City Council Work Session Minutes from August 19, 2014 (pp. 5 – 7)
- C. Approve City Council Budget Work Session Minutes from August 26, 2014 (pp. 8 – 9)
- D. Approve the Payment of Bills and Finance Report (Addendum A).
- E. Approve 2014-2015 Contract for Chamber of Commerce Services (pp. 10 – 12).
- F. Accept Special Utilities Commission Minutes from August 27, 2014 (pp. 13 – 14).
 - 1. Adopt Resolution No. 2014-76 Rejecting Bids for the 2014 Independence Road Improvement Project (pp. 15 – 17).
- G. Authorize Execution of a Utility Connection Assessment Agreement for Lot 1, Block 1 Baxter Estates (pp. 18 – 20).
- H. Accept Parks Commission Minutes from August 25, 2014 (pp. 21 - 24).
- I. Accept Joint Commission/City Council Minutes from August 25, 2014 (pp. 25 - 26).

- J. Approve Animal Control Contract with Animal Control Enforcement Services for 2015 (pp. 27 - 30).
- K. Approve Off-Sale Liquor License for Kjerbeersten, LLC for the Period of September 3, 2014 through June 30, 2015 (pg. 31).
- L. Approve Tobacco License for Kjerbeersten, LLC for the Period of September 3, 2014 through June 30, 2015 (pg. 32)

6. Pulled Agenda Items

7. Other Business

8. Council Comments

- A. Jim Klein
- B. Rob Moser
- C. Todd Holman
- D. Mark Cross
- E. Darrel Olson

9. City Administrator's Report

10. City Attorney's Report

11. Adjourn

BAXTER CITY COUNCIL MINUTES
August 19, 2014

Mayor Darrel Olson, who led in the pledge to the flag, called the regular meeting of the Baxter City Council to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Darrel Olson and Council Members Rob Moser, Mark Cross, Todd Holman, and Jim Klein.

STAFF PRESENT: City Administrator Gordon Heitke, Police Chief Jim Exsted, Public Works Director/City Engineer Trevor Walter, Assistant City Administrator Kelly Steele, Consulting City Engineer Aric Welch, and City Attorney Brad Person.

GUEST PRESENTATION

Tom Whiteside, Field & Constituent Service Representative for Congressman Richard M. Nolan
Mr. Whiteside introduced himself as the new constituent service representative for Congressman Rick Nolan. Mr. Whiteside's office is located in the Brainerd City Hall with office hours on Tuesday and Thursday from 9:00 a.m. to 4:00 p.m. Mr. Whiteside invited anyone interested in discussing federal issues to his office and he will pass the information onto Congressman Nolan.

CONSENT AGENDA

- A. Approve City Council Minutes from August 6, 2014
- B. Approve City Council Work Session Minutes from August 6, 2014
- C. Approve the Payment of Bills and Finance Report
- D. Approve the Cypress Townhomes Developer's Agreement
- E. Accept Utilities Commission Minutes from August 6, 2014
 - 1. Approve the Pratt's Affordable Excavating Change Order No. 1 requesting a 14-day substantial completion time extension for the Wildflower Drive, Franklin Drive and Woida Road Street and Utility Improvements Project and retaining the final completion date as October 31st, 2014.
 - 2. Approve the Pratt's Affordable Excavating Partial Pay Estimate No. 1 in the amount of \$299,575.81 for the Wildflower Drive, Franklin Drive and Woida Road Improvements Project
 - 3. Approve the 2014 Lift Station No. 9 Rehabilitation Project to CCS Contracting, Inc. in the amount of \$95,700.00
- F. Accept \$500 donation from Baxter Lions for Night to Unite event
- G. Accept \$360 donation from Gary and Lola Villwock for Baxter Police K9 Program
- H. Approve Personnel Policy Amendment
- I. Authorize Staff to Enter into Residential Private City Utility Connection Financing Agreements With Qualifying Homeowners

MOTION by Council Member Cross, seconded by Council Member Klein to approve the Consent Agenda with the exception of agenda item H Personnel Policy Amendment. Motion carries unanimously.

PULLED AGENDA ITEMS

H. Personnel Policy. Staff is requesting the agenda be pulled and added under the City Administrator's report for discussion.

OTHER BUSINESS

Adopt Resolution 2014-75, Calling a Special Election at the November 4, 2014 General Election for the Extension of the Existing Baxter Sales, Use, and Motor Vehicle Excise Tax and the Issuance of Bonds for Approved Projects

City Administrator Heitke explained Finance Director Vacinek worked extensively with bond council to develop the ballot language. If the sales tax revenue does not cover the debt service for the proposed project, then the city may have to levy. The previous question contained the same property tax levy language. The language is a warning that the city must provide. Sales tax revenue continues to meet expectations and a property tax levy has not been required.

MOTION by Council Member Cross, seconded by Council Member Moser to Adopt Resolution 2014-75, Calling a Special Election at the November 4, 2014 General Election for the Extension of the Existing Baxter Sales, Use, and Motor Vehicle Excise Tax and the Issuance of Bonds for Approved Projects. Motion carries unanimously.

COUNCIL COMMENTS

Darrel Olson: Mayor Olson explained a resident expressed concern with 15-20 vehicles per day turning around in his driveway due to confusion of Isle Drive. The resident inquired if the City can sign the street differently to reduce the confusion.

CITY ADMINISTRATOR'S REPORT

Assistant City Administrator Steele explained the language being proposed has been added to the personnel policy to provide procedures regarding the issuance and use of employee identification badges for the operation of the new door system.

MOTION by Council Member Cross, seconded by Council Member Klein to approve the personnel policy amendment. Motion carries unanimously.

Council Member Moser raised the issue of amending the clothing standards contained in the personnel policy. After the discussion, the consensus of the Council was to leave the clothing standards as written.

City Administrator Heitke reminded Council of the Joint Council and Committee meeting to be held Monday, August 25 at 6:00 p.m. to discuss the Comprehensive Plan.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Moser to adjourn at 7:37 p.m. to the work session. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

BAXTER CITY COUNCIL MINUTES

Work Session

August 19, 2014

Mayor Darrel Olson called the City Council Work Session to order at 5:30 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Jim Klein, Todd Holman, Mark Cross, and Rob Moser.

STAFF PRESENT: City Administrator Gordon Heitke, Public Works Director/City Engineer Trevor Walter, Assistant City Administrator Kelly Steele, Consulting Engineer Aric Welch, and Police Chief Jim Exsted.

Briarwood Lane Improvement Update

City Administrator Heitke explained at the August 6, 2014 work session, the Council presented information on a potential pavement improvement project for Briarwood Lane in response to a request. Of the four property owners of the abutting five lots which would be subject to an improvement assessment, one was present to express opposition to the project. Two property owners called staff to share their positions, as they could not attend the meeting. One was in favor of the project and the other was indifferent and would not oppose the project and assessment. The fourth absentee property owner of two lots has not responded to any correspondence and phone calls have been unanswered. At this time, staff cannot determine whether the owner is aware of the proposed project. The issue before the council is to consider our public improvement policy which requires 75% of the property owners to submit a petition. Our public improvement policy does contain a clause that states the council can order an improvement if it is determined to be in the best interest of the City. City Administrator Heitke explained there are benefits to the City by eliminating a gravel road to maintain. The Council discussed the potential cost to plant prairie grass and install environmental signs. The Council consensus was it does not make sense to leave a small section of Briarwood unpaved. The placement of the Briarwood improvement in relation to the Capital Improvements Plan was discussed. City Administrator Heitke explained staff will attempt to contact the fourth property owner before the next meeting.

Forest Drive Stormwater Study

Consulting Engineer Welch explained two options to provide stormwater relief along Forest Drive. Option one would provide a long-term solution while not creating a direct discharge into the City's stormwater system. Option two drains the right-of-way and does not allow for the pretreatment of the stormwater due to directing the stormwater into the section six ditch near Gander Mountain. Option one's estimated project cost is \$91,478.48 and options two's estimated project cost is \$103,363.15. After review of both options, the Utilities Commission expressed concerns with not providing pre-treatment of the storm water under option two and potential stormwater issues created on the former golf course property and the Northland Arboretum. Option two will remove the stormwater from each driveway and will require restoration. Option one will require staff to delineate portions of two wetlands. The properties on the east side of the street have the option to re-grade their property to allow it to drain into the ditch. The ditch will be approximately four feet deep. The Council consensus was to support option one. Council directed staff to review the project for construction in 2015. Staff will study how to fund the project.

Excelsior Road Street Lighting System

Public Works Director/City Engineer Walter explained staff is assuming that since Council elected staggered streetlights on Isle Drive, the Council will want to do the same on Excelsior Road. The new streetlights will be installed from Cypress east to Brainerd city limits. The Council compared the cost for placing all of the streetlights on one side of the street or alternating between both sides. It was determined Brainerd has placed all streetlights on the north side of Jackson Street. Brainerd has future plans to only mill and overlay of Jackson Street, so staff does not expect they will upgrade their streetlights. The Council indicated support of installing streetlights on the north side of Excelsior Road.

Woida Project Update

Consulting Engineer Welch updated the Council on delaying the construction of the trail due to the relocation process of private utilities on Woida Road. The Woida Road corridor contains all the major utility companies. Some of the lines are major lines that feed larger areas outside of the project area, including two fiber optic lines and the main electric line that serves the TH 371 commercial area. From the very start of the project, the utility companies have expressed concern with the amount of space available for them to relocate. The only spaces available to them include seven feet on the south side of the roadway, 11' boulevard area between the roadway and trail and seven feet on the north side of the trail. With separation requirements and the presence of existing utility lines, it is difficult for the utility companies to complete relocation work prior to the construction of the underground sanitary sewer, water, and storm sewer. If the trail is not constructed this year, the area will need to be temporary seeded to protect it from erosion. The contractor will then need to re-mobilize next year to complete the trail. Consulting Engineer Welch explained there are consequences the Council should be aware of by pushing the trail project off until next year, including a possible increase in construction cost. If the contractor had the ability to complete the trail this year, but was unable to because of private utilities relocation work, the contractor may be eligible to receive additional compensation for re-mobilization and increased material costs. The City will have to issue bonds by year-end and will use a best guess for added costs. Typically, the city does bond for a contingency. By the end of August, the contractor should be finished with Franklin Drive and Wildflower Drive. This will leave September and October to complete Woida Road.

Leaf Disposal Options

City Administrator Heitke explained at the August 6, 2014 work session, the Council was presented with information regarding the options of partnering with the Northland Arboretum to reopen the presently closed compost site or continue to offer Baxter leaf disposal services at Hengel's Ready Mix and Concrete. City Administrator Heitke further explained Hengel's is open six days per week and they will accept grass clippings. The Northland Arboretum has asked the City for compensation equal to the amount the City is compensating Hengel's. The Council expressed concerns of a visual impact to the neighboring housing complex caused by the Northland Arboretum's compost site. City Administrator Heitke explained Community Development Director Doty completed a site inspection and determined there are a couple of locations where he could see the north wall/windows of the southerly building of the Northern Lakes development. Community Development Director Doty explained in his memo the north and northeasterly buildings of the development have not yet been constructed and will be built closer to the compost site than the existing southerly building. The use of the Northland Arboretum compost site access may be impacted during the construction of Excelsior Drive and presently there is no turn lane into the property. City Administrator Heitke summarized the Council can elect to continue partnering with Hengel's, partner with the Northland Arboretum, or remain with Hengel's until the Excelsior Drive construction project is completed. The Council discussed working through regulations of the Northland Arboretum since they are not a function of the City. The Council consensus was to remain with Hengel's until the Excelsior Drive construction project is completed.

Personnel Policy

City Administrator Heitke explained the personnel policy is on the regular meeting consent agenda to take action on the employee identification badges. If the Council would like to discuss the dress standard language, the Council can discuss after the conclusion of the regular meeting.

MOTION by Council Member Moser, seconded by Council Member Holman to adjourn the work session at 6:56 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel L. Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

BAXTER CITY COUNCIL MINUTES
Budget Work Session
August 26, 2014

Mayor Darrel Olson called the City Council Budget Work Session to order at 6:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Jim Klein, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: Rob Moser

STAFF PRESENT: City Administrator Gordon Heitke, Public Works Director/City Engineer Trevor Walter, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, Assistant Finance Director Susannah Jensen, and Police Chief Jim Exsted.

City Administrator Heitke explained while preparing the proposed budget, staff anticipated the Council would not propose a significant levy increase. City Administrator further explained the process to complete the proposed budget.

Finance Director Vacinek explained the 2015 proposed property tax levy contains a \$93,700 increase or 1.7% of the 2014 levy. Of the total proposed levy, the debt service levy of \$1,126,000 remains unchanged from 2014. Finance Director Vacinek reviewed the highlights of the Crow Wing County Spring Mini-Abstract. Based upon the Spring Mini-Abstract, new construction added for taxes payable in 2015 approximately \$9.1 million, generating about \$116,409 of tax capacity. As a comparison, for 2014 payable, new construction was estimated at \$1.1 million with \$11,000 of tax capacity. Based upon the City's current tax capacity rate of 54.563% and an estimated additional tax capacity of \$116,409 from new construction, approximately an additional \$63,000 of revenue would be generated. Crow Wing County announced earlier this year, county-wide property value assessments increased 1% according to the County Land Services Department. The increase reverses a county trend of the county's estimated market value decreasing by 20% over the previous six years. Updated valuations with the calculated estimated tax capacity will be available mid-September. Once the estimated tax capacity is available, more information about the estimated tax capacity rate and impact to various valued parcels will be available.

Health insurance rates did not increase for 2014. Until health insurance costs for 2015 are known later this month, a 12% increase was included in the proposed budget. PERA employer and employee increases are budgeted. A 5% increase has been budgeted for workers' compensation insurance.

Finance Director Vacinek explained 40% of the cable franchise fees are provided to ISD 181 for public access television. The general government expenses are less partly due to no elections. The City's general fund balance remains healthy. The 2015 capital lease payment for the shared fiber optic line with ISD181 will be the final payment. The animal handler contract rates for 2015 will remain unchanged. City Administrator Heitke explained a new squad car has been budgeted for 2015, but staff has discussed delaying the purchase until 2016 due to low mileage on the current squad car. Council discussed being cognizant of delaying the purchase then purchasing three squads the following year. Council discussed the fire protection payment to the city of Brainerd. Public Works Director/City Engineer Walters

explained utilizing park department trucks to assist with snow removal has resulted in savings in contracted snow removal services. Both the parks department and public works department will be operating $\frac{3}{4}$ -ton trucks and the same snowplows to save money. Council Member Holman asked if the street light budget includes the new streetlights on Isle Drive and Excelsior Road. Finance Director Vacinek explained the general fund budget of \$5,330,100 is balanced.

City Administrator Heitke review memos prepared by Community Development Director Doty, which outline projects he expects to undertake in 2015. Some projects include continued updates to ordinances, continued work on the Comprehensive Plan for further study and planning. Finance Director Vacinek explained the Community Development Department would spend about 20% of the fund balance to offset the \$123,300 fund deficit. Finance Director Vacinek further explained projecting out the balance of 2014 would probably break even.

The Council discussed improvements to Whipple Beach and Loren Thompson parks. Council Member Klein inquired about including disc golf in the budget.

Finance Director Vacinek explained the city would not be issuing bonds for the Excelsior Drive project. To issue bonds, the city must assess a minimum of 20% of the total project cost.

Staff will prepare a cost estimate to extend a trail from Wildflower Drive to Clearwater Road.

City Administrator Heitke explained two public works trucks and a skid steer have been removed from the proposed budget. Council discussed snow removal concerns with the trails.

MOTION by Council Member Klein, seconded by Council Member Cross to adjourn the work session at 8:08 p.m. Motion carries unanimously.

Approved by:


Respectfully submitted,

Darrel L. Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

REQUEST FOR COUNCIL ACTION

09/02/14

Department Approval: Finance Director Vacinek  **Agenda Section:** Consent

Approval Required: Simple Majority Vote of the Council

Item Description: Approve 2014-2015 Contract for Chamber of Commerce Services

BACKGROUND

The City of Baxter participates and cooperates with the Brainerd Lakes Chamber in promoting the economic development of the City of Baxter. City officials also participate in Chamber events and have access to Chamber information. The term of this cooperative relationship and the prior contract expires on August 31, 2014. The renewal of the proposed services contract between the City of Baxter and the Brainerd Lakes Chamber for the period of September 1, 2014 through August 31, 2015 is attached.

FINANCIAL IMPLICATIONS

The cost to the City of Baxter is \$200 and is budgeted for in the General Fund.

STAFF RECOMMENDATION

Staff recommends approval of the proposed services contract similar to last year's contract.

COUNCIL ACTIONS REQUESTED

Motion to approve the contract for services between the Brainerd Lakes Chamber and the City of Baxter for September 1, 2014 through August 31, 2015.

ATTACHMENT

Contract for Services between the Brainerd Lakes Chamber and the City of Baxter

**CONTRACT FOR SERVICES BETWEEN
THE BRAINERD LAKES CHAMBER AND
CITY OF BAXTER, MINNESOTA**

This agreement is made and entered into as of _____, 2014, by and between the City of Baxter, Minnesota (City), and the Brainerd Lakes Chamber (Chamber).

WHEREAS, the City has budgeted expenditures and provided funds that will be used for economic development purposes for the period commencing September 1, 2014 to August 31, 2015.

WHEREAS, the expenditure of public funds must be in furtherance of a public purpose or benefit; and

WHEREAS, the Chamber is willing to enter into a contract to provide certain public services and benefits to the City; and

WHEREAS, this agreement is entered into to set forth the respective duties and obligations of each party.

NOW, THEREFORE, in consideration of the promise of payment of funds from the City, and the agreement to provide services to citizens of the City by the Chamber, the parties agree as follow:

The term of this contract shall cover September 1, 2014 to August 31, 2015.

1. Upon the approval of this agreement, the City agrees to pay a fee to the Chamber for services rendered in the sum of \$200.00.
2. The City and Chamber agree during the contract period to participate with each other in the following manner:
 - A. To maintain an open line of communication between staff and governing bodies regarding economic development.
 - B. Participate in marketing efforts for the purposes of economic development.
 - C. The Chamber will conduct and involve City Officials in various committee meetings and public forums addressing economic development issues,
 - D. The Chamber will consider the City an honorary member, providing access to Chamber information and events.

3. The Chamber agrees to save and hold harmless the City from any and all liability or damages, including legal fees and court costs, which may arise out of the Chamber's performance of the contract.
4. In the event the City or the Chamber is made aware of any default under this contract and such notice is made in writing, which the City or Chamber fails to correct within thirty days from the date of notification, the City or Chamber may cancel and terminate this contract.
5. All notices, certificates, or communications shall be delivered, emailed, or mailed postage prepaid to the parties at their respective places of business as set forth below or at a place designated hereafter in writing by the parties.

Brainerd Lakes Chamber:

CEO

Brainerd Lakes Chamber

124 N 6th Street

Brainerd, MN 56401

City of Baxter:

City Administrator

City of Baxter

PO Box 2626

Baxter, MN 56425

IN WITNESS WHEREOF, the undersigned have placed their signatures as representatives of the parties hereto as of the day and year first above written.

Matt Kilian
CEO, Brainerd Lakes Chamber

Gordon Heitke
Administrator, City of Baxter

UTILITIES COMMISSION

August 27, 2014

The special meeting of the Baxter Utilities Commission was called to order at 5:53 p.m. by Chairman Rock Yliniemi.

MEMBERS PRESENT: Commissioners Shawn Crochet, Dave Franzen, and Chairman Rock Yliniemi and.

MEMBERS ABSENT: Council Liaison Rob Moser.

STAFF PRESENT: Public Works Director/City Engineer Trevor Walter.

OTHERS PRESENT: None.

2014 INDEPENDENCE ROAD IMPROVEMENTS PROJECT BID AWARD

Public Works Director/City Engineer Walter reviewed the two bids received for the 2014 Independence Road Improvements Project. The following letter was entered into the records:

Dear Mr. Walter:

Pursuant to authority of the City Council and after proper legal advertisement, bids for the referenced project were obtained at 11:00 AM, in the Baxter City Hall on Tuesday, August 26, 2014.

The following two bids were received:

Anderson Brothers Construction Company	\$114,225.95
Land Pride Construction LLC	\$118,363.25

Both bids were conforming to the plans, specifications and advertisement and were free from errors and omissions. A copy of the Bid Tabulation is attached for your files.

Both bids were considerably higher than the Engineer's Estimate of \$80,353.25 which was calculated using costs from the recently bid Falcon Drive Improvement project. The low bid is 42% over the Engineer's estimate. Review of the bids indicates that unit bid prices are extremely high. The high prices are likely due to the size of the project, timing of the bid and completion date.

We recommend the City review costs with the adjacent property owners to determine if the project can be delayed. It is our understanding that preliminary discussions with property owners has revealed that development may or may not occur on the south side of the road this year and there are current plans for development on the north side of the roadway.

If development of the roadway corridor can be postponed, we highly recommend re-bidding the project for construction in 2015. The project should also be bid with a larger project to take advantage of economy of scale. Re-bidding the project will result in increased engineering fees. However, the design came in under budget and another round of bidding can be completed without an increase in the not to exceed engineering agreement. We have retained all bid bonds and original bid forms. If you have any questions, please give me a call.

Sincerely,
Aric Welch

The commission held a brief discussion on the increased costs associated with the project and felt that if the property owners were not going to start construction this fall it would be in the best interest of all parties to reject the bids and advertise

MOTION by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council adopt the Resolution rejecting all bids for the 2014 Independence Road Improvement Project. Motion carried unanimously.

ADJOURNMENT

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to adjourn the meeting at 6:00 p.m. Motion carried unanimously.

Approved by:

Rock Yliniemi
Chairman

Submitted by,

Mary Haugen
Administrative Assistant



August 26, 2014

Trevor Walter
Public Works Director/City Engineer
City of Baxter
P.O. Box 2626
Baxter, MN 56425-2626

Brainerd/Baxter
7804 Industrial Park Road
PO Box 2720
Baxter, MN 56425-2720

218.829.5117
218.829.2517
Brainerd@wsn.us.com
WidsethSmithNolting.com

RE: Independence Road Improvements
Engineer's Letter of Recommendation for Bid Award
WSN No. 0102B0000.055

Dear Mr. Walter:

Pursuant to authority of the City Council and after proper legal advertisement, bids for the referenced project were obtained at 11:00 AM, in the Baxter City Hall on Tuesday, August 26, 2014.

The following two bids were received:

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We recommend the City review costs with the adjacent property owners to determine if the project can be delayed. It is our understanding that preliminary discussions with property owners has revealed that development may or may not occur on the south side of the road this year and there are current plans for development on the north side of the roadway.

If development of the roadway corridor can be postponed, we highly recommend re-bidding the project for construction in 2015. The project should also be bid with a larger project to take advantage of economy of scale. Re-bidding the project will result in increased engineering fees. However, the design came in under budget and another round of bidding can be completed without an increase in the not to exceed engineering agreement.

We have retained all bid bonds and original bid forms. If you have any questions, please give me a call

Sincerely,

WIDSETH SMITH NOLTING


Aric Welch, P.E.

Enc.

WIDSETH SMITH NOLTING
7804 Industrial Park Road, Baxter, MN 56425

PHONE 218-829-5117

TABULATION OF BIDS

NAME: INDEPENDENCE ROAD IMPROVEMENTS - MUNICIPAL PROJECT NUMBER 4107

CLIENT: City of Baxter
PROJECT NO: 0102B0000.055
DATE: August 26, 2014
TIME: 11:00 A.M.

Land Pride Construction LLC
50480 368th Street
Paynesville, MN 56362

Anderson Brothers Construction
P.O. Box 668
Brainerd, MN 56401

SPEC NO	ITEM DESCRIPTION	CONTRACT QUANTITY	UNIT	ENGINEER'S ESTIMATE		BIDDER'S ESTIMATE	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
2021.501	MOBILIZATION	1	LUMP SUM		\$6,000.00	\$8,349.30	\$8,349.30
2101.501	CLEARING	0.2	ACRE	4500.00	\$900.00	\$10,159.00	\$2,031.80
2101.506	GRUBBING	0.2	ACRE	4500.00	\$900.00	\$10,159.00	\$2,031.80
2104.505	REMOVE BITUMINOUS PAVEMENT	220	SQ YD	3.50	\$770.00	\$3.95	\$869.00
2104.513	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	36	LIN FT	4.00	\$144.00	\$6.30	\$226.80
2105.501	COMMON EXCAVATION (P)	601	CU YD	10.00	\$6,010.00	\$12.80	\$7,692.80
2123.501	STREET SWEEPER (WITH PICKUP BROOM)	2	HOURL	125.00	\$250.00	\$142.50	\$285.00
2211.503	AGGREGATE BASE (CV) CLASS 5 (P)	332	CU YD	24.00	\$7,968.00	\$37.75	\$12,533.00
2360.501	TYPE SP 12.5 WEARING COURSE MIXTURE (2.C)	463	TON	72.00	\$33,336.00	\$97.50	\$45,142.50
2503.603	CLEAN AND VIDEO TAPE PIPE SEWER - MAINLINE	221	LIN FT	2.25	\$497.25	\$2.85	\$629.85
2503.603	CLEAN AND VIDEO TAPE PIPE SEWER - SERVICE	80	LIN FT	2.25	\$180.00	\$7.85	\$628.00
2506.522	ADJUST FRAME AND RING CASTING	1	EACH	250.00	\$250.00	\$314.00	\$314.00
2563.601	TRAFFIC CONTROL	1	LUMP SUM	500.00	\$500.00	\$488.00	\$488.00
2573.535	STABILIZED CONSTRUCTION EXIT	1	LUMP SUM	700.00	\$700.00	\$628.00	\$628.00
2573.550	EROSION CONTROL SUPERVISOR	1	LUMP SUM	500.00	\$500.00	\$600.00	\$600.00
2574.508	FERTILIZER TYPE 1	80	POUND	1.50	\$120.00	\$2.20	\$176.00
2574.525	COMMON TOPSOIL BORROW	201	CU YD	15.00	\$3,015.00	\$33.00	\$6,633.00
2575.501	SEEDING	0.4	ACRE	1100.00	\$440.00	\$1,660.50	\$664.20
2575.502	SEED MIXTURE 25-131	120	POUND	3.00	\$360.00	\$4.40	\$528.00
2575.511	MULCH MATERIAL TYPE 3	0.8	TON	200.00	\$160.00	\$442.80	\$354.24
2575.519	DISK ANCHORING	840	ACRE	220.00	\$184,800.00	\$221.40	\$186,156.00
2575.562	HYDRAULIC MATRIX TYPE MULCH	1.25	POUND	1.25	\$1,050.00	\$1.65	\$1,386.00
2582.502	4" BROKEN LINE YELLOW-EPHOXY	70	LIN FT	1.00	\$70.00	\$1.65	\$115.50
2611.4A	1-1/2" POLYETHYLENE SERVICE PIPE	80	LIN FT	18.00	\$1,440.00	\$29.80	\$2,384.00
2611.4C	1-1/2" CORPORATION STOP & SADDLE	2	EACH	550.00	\$1,100.00	\$607.30	\$1,214.60
2611.4D	1-1/2" CURB STOP & BOX	2	EACH	600.00	\$1,200.00	\$1,182.40	\$2,364.80
2621.4A	8" PVC SEWER PIPE (SDR 26)	221	LIN FT	27.00	\$5,967.00	\$28.30	\$6,254.30
2621.4B	SANITARY SEWER MANHOLE, MnDOT DESIGN 4007	1	EACH	2200.00	\$2,200.00	\$3,036.90	\$3,036.90
2621.4B1	MANHOLE EXCESS DEPTH	4	LIN FT	150.00	\$600.00	\$211.15	\$844.60
2621.4F	6" PVC SERVICE PIPE (SCH 40)	104	LIN FT	22.00	\$2,288.00	\$45.20	\$4,700.80
2621.4G	8" X 6" PVC WYE	2	EACH	350.00	\$700.00	\$130.80	\$261.60
-	COMPACTION TESTING	10	TEST	65.00	\$650.00	\$77.50	\$775.00
TOTAL					\$80,353.25		\$114,225.95
							\$118,363.25

I hereby certify that this tabulation is a true and correct copy of the bids for the
Independence Road Improvements
Municipal Project Number 4107

Arac Welch
NAME: Arac Welch

41983 8/26/2014
REG. NO. DATE

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2014-76**

**REJECTING BIDS FOR THE 2014 INDEPENDENCE ROAD IMPROVEMENTS
MUNICIPAL PROJECT NUMBER 4107**

WHEREAS, the City has received a petition for the Independence Road Improvement from 100% of the property owners; and

WHEREAS, the City Council had adopted Resolution No. 2014-51 ordering the improvement and preparation of plans and specifications; and

WHEREAS, two bids were received and opened on August 26, 2014; and

WHEREAS, the bids were substantially higher than the City Engineer's \$80,353.25 estimate for the project; and

WHEREAS, the petitioning property owners are in agreement that the Independence Road Improvement Project can be delayed to a future date; and

WHEREAS, the City Council has the authority to reject all bids and staff recommends the bids be rejected.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAXTER, MINNESOTA, the City Council hereby rejects all bids received on August 26, 2014 for the Independence Road Improvements Municipal Project Number 4107.

Adopted by the city council this 2nd day of September, 2014.

Darrel Olson, Mayor


ATTEST:

Kelly Steele, City Clerk

City Seal

REQUEST FOR COUNCIL ACTION

09/02/14

Department Approval: Finance Director Vacinek 

Agenda Section: Consent

Approval Required: Simple Majority Vote of the Council

Item Description: Authorize Execution of a Utility Connection Assessment Agreement for Lot 1, Block 1 Baxter Estates

BACKGROUND

In 2010 the Residential Private City-Utility Connection Financing policy was revised and enacted to help residential homeowner non-users with limited means to connect to city water and sewer. A request for assistance to finance a water and sewer connection was received from Janie Lapka, homeowner of Lot 1, Block 1 Baxter Estates. The applicant has submitted all of the required documentation as required by the city's policy. Upon review by Finance, it has been determined the applicant is eligible for the financing program.

FINANCIAL IMPLICATIONS

As recognized on the City's fee schedule, an administrative fee of \$150 to draft and record the utility connection agreement will be charged. The 2014 Budget provides a limited amount of funding for the private city-utility connections; sufficient funds are available to finance this connection.

The connection will be assessed against the property as a pending assessment in 2014 and collected with the property taxes over the next five years, beginning with taxes payable in 2015 with accrued interest through the end of 2014. Based primarily upon the contractor bid amount, the total assessment is \$7,991.25. Collection of the assessment will replenish the sewer fund that initially financed the connection.

STAFF RECOMMENDATION

Finance Director Vacinek recommends approval of the attached agreement for Lot 1, Block 1 Baxter Estates for the private city water and sewer utility connection. The applicant meets the eligibility requirements of the city's Residential Private City-Utility Connection Financing policy.

COUNCIL ACTION REQUESTED

Motion to approve the utility connection agreement for Lot 1, Block 1 Baxter Estates, per the terms and conditions outlined in the attached agreement.

ATTACHMENT

Assessment Agreement

AGREEMENT

THIS AGREEMENT, made and entered into this 28th day of August, 2014, by and between the City of Baxter, party of the first part, hereinafter referred to as the "City" and Janie Lapka, party of the second part, hereinafter referred to as the "Homeowner".

WITNESSETH:

WHEREAS, Homeowner is the owner and taxpayer of the following parcel in the City of Baxter, Crow Wing County, Minnesota:

Lot 1, Block 1 Baxter Estates

WHEREAS, Homeowner is required to connect to city water and sanitary sewer utilities along Franklin Drive as required by City Code. The Homeowner has obtained a bid from Tim Thompson and C&D Excavating for \$6,000 and \$1,700, respectively, to jointly complete this connection. In addition to this cost, the City shall require a \$150 administrative fee and interest capitalized until this assessment is on the tax rolls in 2015.

WHEREAS, Homeowner has granted the City a temporary construction easement to the City so city sanitary sewer can be connected to the home located on the above described real estate; and

WHEREAS, pursuant to Baxter City Code Section 8-1-10(D) and 8-2-3-(D) (4), the City has the authority to assess the cost of this hook-up to real estate described above and the Homeowner hereby agrees to an assessment of \$7,991.25 for the sanitary sewer connection charges based upon the bid amount, administrative fee, and capitalized interest. The Homeowner acknowledges and agrees the City will reimburse the Homeowner up to the \$7,700 bid amount or the documented actual construction cost, whichever is lower. If the actual construction cost is higher than the \$7,700 bid amount, the Homeowner hereby agrees to pay the difference between the actual amount and the bid amount identified above.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties hereto as follows:

- 1) Homeowner hereby agrees to hook-up to city sanitary sewer as set forth above and grant the City a temporary construction easement in order to complete the improvement. Homeowner also acknowledges this bid and work to be completed does not include any turf restoration by the City, nor does it reimburse Homeowner for any other landscaping that needs to be removed to complete these improvements. Homeowner also agrees to be responsible for the restoration, per city specifications, of any city right-of-way disturbed by the construction of this connection either through the contractor's bid or directly by the Homeowner.
- 2) Homeowner agrees to pay, in addition to the actual water and sanitary sewer utility bill, an assessment of \$7,991.25, based upon the original construction bid, administrative fee, and capitalized interest. This assessment shall be amortized over five

years with interest accruing at 5.25%, the payment being due with the Homeowner's first installment of real estate taxes payable in 2015.

3) The City is hereby authorized to certify the assessments to the County Auditor for collection against the real estate along with property taxes at the interest rates set forth in paragraph 2 above. This certification may be done by the City without further notice or consent of the Homeowner.

4) This Agreement is a covenant and agreement which shall run with the land and bind the heirs, successors and assigns of the parties hereto as fully as the parties themselves are bound.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first written.

CITY OF BAXTER:

By: _____
Darrel L. Olson
Its Mayor

Attest: _____
Kelly Steele,
Its City Clerk

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Darrel Olson and Kelly Steele, the Mayor and City Clerk of the City of Baxter, a municipal corporation under the laws of Minnesota, on behalf of the corporation.

Notary Public

City Signature Page:
14913 Franklin Drive Assessment Agreement
between City of Baxter and Janie Lapka

HOMEOWNER:

By: _____
Janie Lapka

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Janie Lapka.

Notary Public

Homeowner Signature Page:
14913 Franklin Drive Assessment Agreement
between City of Baxter and Janie Lapka

PARKS & TRAILS COMMISSION MINUTES
August 25, 2014

Chair Kalkofen called the regular meeting of the Baxter Parks and Trails Commission to order at 4:00 p.m.

MEMBERS PRESENT: Chair Jim Kalkofen, Commissioners Mari Holderness, Ken Hasskamp, Gail Brecht and Council Liaison Jim Klein.

MEMBERS ABSENT: Lori Thrasher

STAFF PRESENT: Community Development (CD) Director Josh Doty and Roy Rauen, Parks and Trails Supervisor

OTHERS PRESENT:

Approval of the Minutes

MOTION by Commissioner Holderness, seconded by Commissioner Hasskamp to approve the regular meeting minutes of July 28, 2014 as presented. Motion carried unanimously.

Oscar Kristofferson Park Fields-Jay Sannes

Mr. Jay Sannes did not make it to the meeting.

ADA Accessibility

CD Director Doty stated that staff has completed research regarding the accessibility of the Baxter parks. CD Director Doty indicated that staff has reviewed the United States Access Board regulations and determined that the Building Official can review the accessibility of the parks. CD Director Doty stated that it will take staff time but it would keep money from going to a consultant.

Chair Kalkofen asked if all parks need to be reviewed. CD Director Doty stated a study should be done of all the parks. After the study, a next step is to determine the cost of the repairs/upgrades to the parks. He noted that he is referring to parks and trail accessibility only. He noted that playground equipment accessibility is different. Commissioner Brecht asked if the ADA requirements are by state, CD Director Doty indicated that it is a Federal standard.

Chair Kalkofen asked if there would be a report showing each park and the items needed or if it is compliant. CD Director Doty indicated that is correct.

Whipple Beach Gazebo

CD Director Doty stated that the Public Works department and Parks department wanted to bring a situation to this Commission's attention regarding the existing Whipple Beach Gazebo and the CMU bond beam review. Within the packet is a letter explaining a "sag" in the tile grout of the common restroom entrance. Staff would like to apply this repair to the 2015 budget. CD Director Doty indicated that cracks need to be filled and it needs to be monitored and does not pose an immediate safety risk but that it should be repaired.

Jewelwood Park Design

CD Director Doty noted the memo in the packet that gave a list of costs for the playground equipment at Southdale Park to be installed at Jewelwood Park. The equipment was estimated at roughly \$50,000.00 to \$55,000.00 and for site work, installation labor, edging, chipping and sod roughly \$100,000.00 for a combined total of approximately \$150,000.00. The equipment estimate included a rock wall, spring rider and swing set. The Commission discussed the different options of the equipment. Commissioner Holderness asked if the labor would be hired out or would city staff install the equipment. CD Director Doty indicated that the labor would be contracted out. He also stated that a larger playground would potentially attract people outside of the neighborhood and there would be a greater need to have a restroom and parking lot area. The Commission agreed that this should stay a neighborhood park and kept to a small scale. Chair Kalkofen asked the Commission for input regarding the park. Commissioners Hasskamp and Holderness wished to move forward with the park. Commissioner Brecht suggested a mock-up drawing and invite the neighborhood in for their comments. CD Director Doty stated that the Commission should also look at phase two of this park and have a master plan prior to the neighborhood reviewing it to ensure that both phases are what the Commission wants to present to the neighborhood. Commissioner Brecht stated that she did not want to see a parking lot at this park as the property is already small and the neighbors wanted more green space. CD Director Doty stated that for the next meeting, staff could draw up a phase two with a few different options for the Commission to consider. Staff will also need to determine the increased cost to maintain the park. The Commission agreed that the middle sized play set received from playtime would likely be the best play equipment.

Chair re-capped that CD Director Doty is going to have playground equipment with swing set, the trail location and how much is going to need to be cleared, basically a site plan for the next meeting.

CD Director Doty provided the Commission with the balance of the Park Dedication Funds. He explained that there are general park maintenance items that come out of the budget each year. There are a few projects for 2015 that would rely on those funds.

Mr. Roy Rauen, Parks and Trail Supervisor explained the difference between the playground equipment. The Commission asked about the port-o-potty located at the Riverview Park to see if one should be located at the Jewelwood Park. Mr. Rauen stated that an accessible port-o-potty is \$300 to \$350 per month. You can also buy one for \$4,000 then it is \$75.00 to pump, which for Jewelwood Park would likely be every two weeks.

Council Liaison Klein asked Mr. Rauen about adult swing sets, he was asked at Night to Unite why there aren't more adult swings. Mr. Rauen stated that there are a few adult swings and one handicap swing.

Comprehensive Plan-Implementation Prioritization

CD Director Doty stated that Mr. Rauen is here tonight to share the future projects that their department would like to see prioritized. Mr. Rauen stated that for years, Whipple Beach has had a problem with the sand going into the grassy area. There has been discussion on an erosion control retaining wall that is handicap accessible. Staff has referred to it as an observation area with a few picnic tables to allow residents to use it as well. There would not be any additional maintenance costs for this project. The other project is finishing a trail to the beach. Chair Kalkofen asked for a cost associated with the observation area and finishing the trail. Mr. Rauen

did not have a copy of the budget with him but noted that finance does have a copy.

Mr. Rauen stated that the last project is to complete the trail segment north of the west drive way and connect to the tennis courts at Loren Thompson park. Chair Kalkofen asked if staff thought it would be roughly \$100,000.00 for the three projects, staff agreed that it was close. CD Director Doty clarified that Mr. Rauen gave the Commission the improvements in order of importance.

Mr. Rauen stated that currently they mow Jewelwood Park 3 times a year and with the creation of the new park, there is going to be additional maintenance costs. Chair Kalkofen asked staff for a maintenance costs for this park.

Mr. Rauen gave the Commission an update on Riverview Park regarding the trail and bridge. The contractor is very busy and has been unable to install the trail and the additional rain has kept the ground too wet to complete. Chair Kalkofen asked if the signage was installed yet. The kiosk is here but staff has been very busy with triathlons, baseball tournaments and Night to Unite. He is hoping to have the kiosk installed sometime next week. Directional signage has not been ordered, however Mr. Rauen stated that it would be a good idea.

CD Director Doty made the Commission aware of a safety concern regarding the baseball fields and the need for bleacher covers to keep foul balls from hitting people. The covers also provide some shade to the bleacher areas. Commissioner Brecht stated that this concern has been raised before but this last time, a person was injured by the baseball. Chair Kalkofen asked CD Director Doty to bring a drawing, cost estimates and locations where they would need to be installed to the next meeting. The Commission discussed the injury and the proposed covers.

The Commission had a conversation regarding the Paul Bunyan State Trail near the bridge and a request to open up fencing near the bridge.

The Commission turned to the implementation plan in the packet. There was discussion on how to spend the funds that are available and get the best results. Commissioner Holderness stated that the maintenance at Jewelwood Park could be off-set by the observation area at Whipple Beach being the sand would not have to be relocated several times a year.

The Commission agreed to the following order for the parks: 1-Jewelwood Park, 2-Whipple Beach observation area, 3-Loren Thompson trail connection, 4-Whipple Beach trail connection. Chair Kalkofen stated that roughly \$250,000.00 would be taken out of the fund to complete these projects. Commissioner Brecht asked if there were any large projects that staff knew of coming into the city. CD Director Doty indicated that it's tough to say when a project is going to come in and if they do come in and plat, the plat can sit for several months before paying the park fees. The Commission reviewed the remainder of the parks.

It was determined that the accessibility for all park buildings would need to be reviewed after the building official put the list together for the Commission.

CD Director Doty and the Commission went through the list of trails. Commissioner Brecht asked if staff had submitted the application to Crow Wing County for the trail though the county land. CD Director Doty indicated that he wanted to get through this exercise prior to submitting the application to see where the trail was on the priority list. Commissioner Brecht indicated that

the process can take up to a year and then the County gives the applicant up to three years to complete the trail. CD Director Doty stated that he would map the trails for the next meeting so the Commission could recommend which trails they would like to recommend get submitted for the application to the County.

Chair Kalkofen would like to see the senior apartment connection to the shopping mall as a priority. Commissioner Brecht stated that it is budgeted in the 2016 Excelsior Road realignment.

Next Meeting

The next meeting is scheduled for September 22, 2014 at 4:00 p.m. Chair Kalkofen indicated that he will not be at this meeting as he is out of town. It was suggested that staff check to see if there is a quorum for the next meeting.

Other Business

None

Adjournment

MOTION by Commissioner Brecht, seconded by Commissioner Hasskamp to adjourn the meeting at 5:47p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Chair Jim Kalkofen

Shanna Newman CD Clerk

JOINT COMMISSION AND COUNCIL MEETING
August 25, 2014

The Joint Commission and Council meeting was called to order at 6:00 p.m. by Mayor Olson.

MEMBERS PRESENT: Mayor Darrel Olson, Council members Jim Klein, Todd Holman, Mark Cross, Commissioners Bob Kinzel, Gwen Carleton, Howie Oswald, Jim Kalkofen, Grail Brecht, Ken Hasskamp, Gail Brecht, Mari Holderness, Kevin Donnay, Gary Handlos, Kevin Donnay, Rock Ylimeini, Lori Rubin, Bob Ryan, Cathy Clark

STAFF PRESENT: Community Development (CD) Director Josh Doty, City Administrator Gordon Heitke, City Clerk Kelly Steele

OTHERS: Phil Carlson, Rod Osterloh, Mary Corrigan, Renee Richardson and Steve Barrows

Mayor Olson thanked everyone for attending this meeting. He explained that the Long Range Planning Commission is made up of Commission members from each commission to ensure all commissions are represented as well as a few residents. The Long Range Planning Commission has reviewed the comprehensive plan and are at the point of having Council approve the new comprehensive plan. Mayor Olson also stated how important each Commission is, being they iron out all of the final details prior to the items being reviewed by the Council, making Council's job much easier. He thanked everyone for taking the time to travel and attend this meeting and prior meetings.

Introduction/Overview of the Comprehensive Plan

CD Director Doty reviewed a power point presentation with all present. *(Please note the presentation is available on the Baxter website: baxtermn.gov)* He reviewed the process of the comprehensive plan and the meetings that were held to complete this process with Mr. Phil Carlson of Stantec, the consultant for this process. CD Director Doty indicated the comprehensive plan will go to City Council for approval in November.

Presentation of Baxter Comprehensive Plan

Mr. Carlson gave those present a brief background of his experience. The Commissioners each stated who they were and which commission they serve on for the City. He then presented the comprehensive plan in a power point to all present. *(Please note the presentation is available on the Baxter website: baxtermn.gov)* The power point showed the growth of Baxter, the types/age of citizens, house hold income, land availability, wellhead protection, existing land uses, the new gateway corridors on Hwy 371 and Hwy 210, transportation, future land use districts, parks/trails and character/identity of Baxter.

Mr. Carlson then asked if there were any questions of him or CD Director Doty.

Commissioner Carleton indicated that she liked the gateway corridor. Council Member Klein asked about the number of rentals in Baxter, if there is a good amount or a bad amount. Mr. Carlson stated that rental property is for all walks of life (life cycle) and is not something to be afraid of, it just needs to fit in the right location, typically close to services.

Council Member Holman asked how the comments are being relayed from the citizens. CD Director Doty stated that a public hearing will be held with the Long Range Planning Commission in September 22, 2014 and

the 26th other city commissions will discuss the comprehensive plan at their regular meeting. Mr. Carlson also suggested an open form type meeting prior to the Long Range Planning Commission meeting.

Commissioner Kinzel asked if the amount of land use changes have been reviewed to make sure we are not negatively impacting the amount of land uses in the city. Mr. Carlson stated that on the commercial side they have not estimated, but a hunch is that most commercial will be built out in the next 20 years. Commissioner Ryan noted that there were some areas that have been rezoned to allow for more commercial property to be developed in Baxter.

Commissioner Donnay asked Mr. Carlson if the Commission fell short anywhere. Mr. Carlson stated that connections with parks and trails is something that should be watched closely as people want to get around and not always in a car. He also noted that identity and character is also an area to watch and create something unique and different with the land such as the former golf course property. Overall he felt the comprehensive plan for Baxter was solid.

Respectfully submitted,

Darrel Olson, Mayor

Shanna Newman
CD Technical Clerk

REQUEST FOR COUNCIL ACTION

September 2, 2014

Department Origination: Police

Agenda Section: Consent

Agenda Item: Approval of Animal Control Contract with Animal Control Enforcement Services (Don Hannahs) for 2015.

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The City of Baxter currently works with Animal Control Enforcement Services to assist in the enforcement of various dog calls as well as other animal calls in the City of Baxter. The current agreement will expire on December 31, 2014. The new contract will again be for one year, expiring on December 31, 2015.

The new contract proposal was presented to the City earlier this summer with no increase in fees for the 2015 year. This contract at this rate has been incorporated into the 2015 preliminary budget.

Documents included in the council packet include the 2015 proposal and a letter from Don Hannahs.

FINANCIAL IMPLICATIONS

With no proposed increase for 2015 the budgeted amount will remain the same as 2014 and has been included in the preliminary budget recently presented to council.

STAFF RECOMMENDATION

Staff is recommending approval of the contracted services with Animal Control Enforcement for 2015.

COUNCIL ACTION REQUESTED

Motion to approve contract agreement with Animal Control Services for the 2015 calendar year.

Attachment:

1. Animal Control Enforcement Proposal for the City of Baxter, MN
2. Animal Control Enforcement Services letter dated July 23, 2014

This proposal will cover the duties of Animal Control Enforcement Services and the proposed compensation for said duties. This proposal is for the City of Baxter, State of Minnesota.

SERVICES PROVIDED

These are the services that Animal Control Enforcement Services provides and a brief description of the service.

ANIMALS RUNNING AT LARGE: This covers the pickup and delivery of animals, said to be running at large in the city limits of Baxter, MN in violation of city ordinance, to either the designated impound facility or owner if know.

Municipalities are responsible for securing impoundment location and any fees involved. Animal Control Enforcement Services fees only cover the pickup and delivery of animals.

CITATIONS: This covers all citations issued for violations of the City Animal Ordinances and /or MN State Statues.

INVESTIGATION OF ANIMAL BITES: This covers all animal bites and necessary reports and pictures, if any. These would be turned into the Baxter Police Department. Animal would be impounded at designated impound facility or owners residence with a periodic check to make sure animal is quarantined as necessary under state statute.

BARKING DOG COMPLAINTS: This covers the investigation of said complaint and necessary reports.

CRUELTY AND/OR NEGLECT COMPLAINTS: This covers the investigation of said complaint and necessary reports.

COURT APPEARANCES: This includes any court appearances or council meetings as may be necessary.

ANY OTHER MATTERS DEEMED NECESSARY AS DIRECTED BY CITY COUNCIL OR DESIGNATE: This covers any service deemed necessary and included in said ordinance.

WILD ANIMALS: These types of calls would be the responsibility of the owner of the residence. Animal Control does not handle skunks.

A MONTHLY REPORT: This will be turned into the City Council or designate monthly.

MILEAGE: Mileage is included in the monthly service fee.

SERVICE AVAILABILITY: Services are generally available 24 hours a day, baring illness or injury. With the municipality understanding that Animal Control Enforcement Services contracts with several municipalities and calls will be handled as quickly as possible and on a priority basis.

Animal Control Enforcement takes the equivalency of one day off a week and ten days of vacation time each year. Advanced written notice will be given as to the dates services would be unavailable. This would be included with the monthly statement.

SERVICE FEE

In return for the above mentioned services **a proposed service fee of \$762.00 per month** would be paid to Animal Control Enforcement Services. The proposed fee was figured using the population of the City of Baxter, 7620 people in the city limits at **\$1.20 per person**, for a total of \$9144.00 per year.

THIS AGREEMENT, made and entered into by and between, **City of Baxter** hereinafter referred to as the "CITY" and **Animal Control Enforcement Services**, hereinafter referred to as "CONTRACTOR"/

WHEREAS, CONTRACTOR wishes to enter into a contract with CITY, to provide service, labor and expertise as the CITY's Animal Control Officer.

WHEREAS, CONTRACTOR is authorized to and capable of working elsewhere and is free to carry on any activity seen fit, within own discretion, provided that tasks undertaken for CITY are performed; and

WHEREAS, CITY AND CONTRACTOR believe it to be in their respective best interest to enter into this Agreement according to the terms and conditions hereinafter set forth;

NOW THEREFORE, IT IS AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1: CONTRACTOR shall apprehend and deliver back to the owner, if know, or to appropriate kennel facility approved and chosen by CITY, all animals found to be running at large, in violation of city animal ordinance, with in the CITY limits.

2: CONTRACTOR agrees to handle, as appropriate, services outlined and described in "ANIMAL CONTROL ENFORCEMENT PROPOSAL", a copy of which is attached.

3: CONTRACTOR shall provide a satisfactory motor vehicle to transport said animals. Said motor vehicle shall have motor liability insurance coverage for bodily in an amount not less than \$100,000 per person. Proof of such insurance shall be furnished to the CITY.

4: CONTRACTOR shall maintain liability insurance for his services in the aggregate amount of \$1,000,000 and shall include CITY as a named additional insured for the term of this agreement and an extensions thereof. Proof of such insurance shall be furnished to the CITY.

IN CONSIDERATION OF THE FOREGOING, THE CITY AGREES AS FOLLOWS:

1: CITY shall pay CONTRACTOR agreed upon amount for services as described in "ANIMAL CONTROL ENFORCEMENT PROPOSAL", a copy of which is attached.

ADDITIONAL TERMS:

1: CONTRACTOR is not an employee of CITY.

2: CONTRACTOR shall submit monthly reports to CITY as to animal control services rendered.

3: The term of this agreement shall be for one year from January 01, 2015 thru December 31, 2015; except that each party hereto has the right to terminate this agreement upon ninety (90) days written notice to the other party. Written notice shall be considered effective if sent certified mail to the following addresses:

City of Baxter
C/O city administrator
13190 Memorywood
Baxter, MN 56425

Animal Control Enforcement Services
C/O Donald C Hannahs JR
119 3rd Ave NE
Brainerd, MN 56401

IN WITNESS THEREOF, the parties have executed the Agreement on this _____ day of _____, 2014.

CITY OF BAXTER

ANIMAL CONTROL ENFORCEMENT SERVICES

BY: _____
Mayor

BY: _____
Donald C Hannahs JR, owner/operator

BY: _____
Administrator/Clerk

Animal Control Enforcement Services

Donald C Hannahs Jr, 119 3rd Ave NE, Brainerd, MN 56401

Telephone: 218-829-0991 e-mail: brdaco@qwestoffice.net

City of Baxter
C/O Police Chief Jim Exsted
13190 Memorywood
Baxter, MN 56425

July 23, 2014

Dear Chief Exsted,

Enclosed please find a contract for Animal Control Services for the city of Baxter, for the year 2015.

We are not requesting any changes to the contract.

Once the contract is signed and dated please return to me for my signature and I will return a copy to your office. Contracts should be returned no later than September 15, 2014.

If there are any questions please don't hesitate to call me at my office, 218-829-0991.

I look forward to continuing to provide services to the city as its animal control officer.

Sincerely,

Donald C Hannahs JR
Animal Control Enforcement Services
Owner/Animal Control Officer

Enclosures: 1

Serving the communities of: Brainerd, Baxter, Breezy Point, Deerwood, Nisswa,
Pequot Lakes, Jenkins, Ironton, Crosby, Garrison, Cuyuna, Riverton, Lake Shore
and the Townships of Oak Lawn, Fairfield and Center.

REQUEST FOR COUNCIL ACTION

September 2, 2014

Department Origination: Administration

Agenda Section: Consent

Agenda Item: Approve Off-Sale Liquor License for Kjerbeersten, LLC for the Period of September 3, 2014 through June 30, 2015

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

In accordance with state statutes and the Baxter City Code, establishments engaging in the off-sale of liquor must be licensed by the City. The applicant has remitted license fees, evidence of liquor liability insurance, certificate of compliance of Minnesota Workers' Compensation law, completed an acceptable background check, and is current with property taxes. The applicant, Kjerbeersten, LLC, has purchased Westside Liquor. According to City Code, the previous owner of Westside Liquor, is not eligible for a refund of the off-sale liquor license fee they paid earlier this year.

FINANCIAL IMPLICATIONS

The administration of liquor licensing is offset by the application fees.

STAFF RECOMMENDATION

Staff recommends approval of the off-sale liquor license for Kjerbeersten, LLC, d/b/a Westside, for the period of September 3, 2014 through June 30, 2015.

COUNCIL ACTION REQUESTED

MOTION to approve an off-sale liquor license for Kjerbeersten, LLC, d/b/a Westside, for the period of September 3, 2014 through June 30, 2015.

REQUEST FOR COUNCIL ACTION

September 2, 2014

Department Origination: Administration

Agenda Section: Consent

Agenda Item: Approve Tobacco License for Kjerbeersten, LLC for the Period of September 3, 2014 through June 30, 2015

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

Kjerbeersten, LLC has submitted a tobacco license application, a MN Department of Revenue license application, a certificate of compliance with Minnesota Workers' Compensation Law, a tax identification form, has successfully passed a background check through the Baxter Police Department, and has paid the license fee. The business is eligible for a tobacco license.

Kjerbeersten, LLC has purchased Westside Liquor.

FINANCIAL IMPLICATIONS

The application fee offsets the cost of administering the issuance of the tobacco license.

STAFF RECOMMENDATION

Staff recommends Council approve the issuance of a tobacco license to Kjerbeersten, LLC, d/b/a Westside.

COUNCIL ACTION REQUESTED

Motion to approve tobacco license for the period of September 3, 2014 through June 30, 2015 to Kjerbeersten, LLC, d/b/a Westside.